

## **Fact Sheet**

## Prohibitions for HOAs that Act Against Homeowners with Low-Water Landscapes During a Declared Drought

The State Water Resources Control Board (Water Board) is committed to providing factual information with regard to prohibitions for Home Owners Associations (HOAs) that act against homeowners who install low-water landscapes or allow lawns to turn golden during a declared drought emergency.

<u>Civil Code section 4735</u>, subdivision (c), prohibits any HOA from imposing a fine or assessment against an owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during any period for which either of the following have occurred:

- (1) The Governor has declared a state of emergency due to drought pursuant to subdivision (b) of Section 8558 of the Government Code.
- (2) A local government has declared a local emergency due to drought pursuant to subdivision (c) of Section 8558 of the Government Code.

In the State Water Board's February extension of its <u>Drought Emergency Water Conservation</u> regulation, the Board included new provisions that make any such violations an infraction and establish civil penalties of up to \$500 per day for HOAs that violate the above prohibition. Those penalties can be imposed by the Board or by the water supplier. A homeowner affected by an HOA action that violates these prohibitions can file a complaint or otherwise bring the violation to the attention of their water supplier and/or the Water Board.

The Governor's proclamation/declaration of a drought state of emergency is still in effect as most recently identified in his November 13, 2015 Executive Order (<u>EO B-36-15</u>). The Board's emergency regulation is currently in effect until the Governor rescinds the drought emergency proclamation or the regulation expires. The regulation may be extended if the drought emergency remains in effect.

For more information on the ongoing emergency water conservation regulations, please visit the <a href="Emergency Water Conservation Regulations Portal">Emergency Water Conservation Regulations Portal</a>. To learn about all the actions the state has taken to manage our water system and cope with the impacts of the drought, visit <a href="Drought.CA.Gov">Drought.CA.Gov</a>. Every Californian should take steps to conserve water. Find out how at <a href="SaveOurWater.com">SaveOurWater.com</a>.

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